

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed November 10, 2004.

Claims 1-56 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-56. The present Response amends claims 1, 15, 19, 33, 37, 51, 52, 55, 56, leaving for the Examiner's present consideration claims 1-56. Reconsideration of the rejections is respectfully requested.

I. Rejections under 35 U.S.C. §102(b)

Claims 1, 7-8, 19, 25-26, 37, 43-44, and 55-56 were rejected under 35 U.S.C. §102(b), as being anticipated by *Robert Neil Faiman, Jr.*, U.S. Patent No. 5,836,014 (hereinafter *Faiman*).

To anticipate a claim, every element of the claim must be disclosed within a single reference. The multi-programming-language compilation process in independent claims 1, 19, 37, 55, 56 is fundamentally distinguishable from *Faiman* in that it can compile a single computer program written in multiple programming languages, while *Faiman* cannot. *Faiman* teaches a “constant-folding mechanism in a multi-language optimizing compiler” (Title). Although it can interpret multiple programming languages, its “each front end scans and parses a source module containing source code for a programming language” (Abstract) only, not source code in multiple languages as in the current invention. Such limitation is reflected in its compiling architecture (Fig. 1) whose each front end is language-specific and “tailored for each different source language” (column 3, line 7-12) and hence cannot interpret a computer program (source module) written in more than one programming language. In contrast, the multi-programming-language compilation process in the present invention aims at addressing the compilation of “a computer program written in one or more computer programming languages” (Sec. 6, 10, claims 1, 15, 19, 33, 37, 51, 55, 56). Its “compiler framework” and each of “a plurality of language modules” are designed to operate together to “perform a

language-independent portion of the compilation process on the computer program” and “programming language-dependent portion of the compilation process on one of the one or more computer programming languages in the computer program,” respectively.

Therefore, *Faiman* cannot anticipate independent claims 1, 19, 37, 55, 56. Since claims 7-8 depend on claim 1, claims 25, 26 depend on claim 19, and claims 43, 44 depend on claim 37, *Faiman* cannot anticipate claims 1, 7-8, 19, 25-26, 37, 43-44, and 55-56 for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

II. Rejections under 35 U.S.C. §103(a)

1. Claims 2-4, 6, 9, 14-18, 20-22, 24, 27, 32-36, 38-40, 42, 45, and 50-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Faiman*, in view of *Blake W. Stone, et al.*, U.S. Patent No. 6,804,686 (hereinafter *Stone*).

Prima facie obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. *Stone* teaches “providing a Unified Modeling Language (UML) diagram of a program for display in a graphical user interface” (Abstract). Since it does not teach the compilation of a file written in multiple programming languages, it cannot anticipate the multi-programming-language compilation process in independent claims 1, 15, 19, 33, 37, and 51. As discussed in previous section, these independent claims cannot be anticipated by *Faiman* either. Since claims 2-4, 6, 9, and 14 depend on claim 1, claims 16-18 depend on claim 15, claims 20-22, 24, 27, and 32 depend on claim 19, claims 33-36 depend on claim 33, claims 38-40, 42, 45, and 50 depend on claim 37, and claims 52-54 depend on claim 51, *Faiman* in view of *Stone* cannot render claims 2-4, 6, 9, 14-18, 20-22, 24, 27, 32-36, 38-40, 42, 45, and 50-54 obvious under 35 U.S.C. § 103(a) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

2. Claims 5, 23 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Faiman*, in view of *Stone*, and further in view of *Lawrence Jacobs, et al.*, U.S. Patent No. 6,732,237 (hereinafter *Jacobs*).

Prima facie obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. *Jacobs* teaches “a multi-tier caching system in which a first cache is implemented in kernel or operating system space and a second cache is implemented in user or application program space” (column 2, line 33-38). Thus, it does not anticipate the multi-programming-language compilation process in independent claims 1, 19, and 37. As discussed in previous sections, these independent claims cannot be anticipated by *Faiman* and *Stone* either. Since claim 5 depends on claim 1, claim 23 depends on claim 19, and claim 41 depends on claim 37, *Faiman* in view of *Stone*, and further in view of *Jacobs* cannot render claims 5, 23 and 41 obvious under 35 U.S.C. § 103(a) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

3. Claims 10-13, 28-31, and 46-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Faiman*, in view of *Stone*, and further in view of *Christophe Lauer, “Introducing Microsoft DotNet”*, 07/02/2002 (hereinafter *Lauer*).

Prima facie obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. Microsoft DotNet as explained by *Lauer* is “a new platform designed to facilitate development of interoperable Web applications” (Introduction). Although it may possibly incorporate a compiler as one of those interoperable applications, it does not by itself address the issue of multi-programming-language compilation and hence does not anticipate the multi-programming-language compilation process in independent claims 1, 19, and 37. As discussed in previous sections, these independent claims cannot be anticipated by *Faiman* and *Stone* either. Since claims 10-13 depend on claim 1, claims 28-31

depend on claim 19, and claims 46-49 depend on claim 37, *Faiman* in view of *Stone*, and further in view of *Lauer* cannot render claims 10-13, 28-31, and 46-49 obvious under 35 U.S.C. § 103(a) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.


III. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

No fees are believed due in connection with this response. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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